

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO.8845 OF 2007

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DATED 30-04-2007

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BETWEEN

-
M.Mallikharjun and others

.. PETITIONER

And

The A.P.Central Power Distribution Co. Ltd.,
(APCPDCL) having its office at Singareni Bhavan,
Hyderabad, through its Chairman & Managing Director
And others.

.. Respondents

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.8845 OF 2007

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Oral Order:

The respondents issued a Tender Specification Nos.P.20/06-07 to P.80/06-07 dated 30.3.2007 inviting tenders for awarding of contracts to carry out operation and maintenance of 33/11 KV substations at various places. The grievance of the petitioners is that in the tender schedule, wages for operation and maintenance staff alone are included and no provision is made for 'Watch and Ward' staff. The petitioners submit that for identical contracts and works in

the neighbouring distribution company (NPDCL), separate provision is made for wages to be paid to the watch and ward staff. They complain of discrimination and non-application of mind.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

It is true that the tender specification makes specific reference to 'watch and ward' along with operation and maintenance. The wages for the employees to be engaged for operation and maintenance are mentioned. However, no provision is made for 'watch and ward' staff. It hardly needs any emphasis that engagement of at least one employee for 'watch and ward' would warrant payment of minimum wages and unless a provision is made, the bidders cannot be expected to meet such expenditure from their pocket.

Learned standing counsel for the respondent Corporation submits that inclusion of 'watch and ward' work in the tender specification was a mistake and that the tender does not contemplate the provision of the same by the tenderer. If that be so, the grievance of the petitioners stands redressed. In the event of the contract being awarded, the petitioners would not be under an obligation to provide watch and ward. The submission made on behalf of the respondents by the learned standing counsel is taken on record and the writ petition is disposed of directing that the tenders in question does not include the work for 'watch and ward' at the sub-stations.

L.NARASIMHA REDDY,J

Dated 30.5.2006

Note: Furnish CC by tomorrow.

msv